

## **CITY COUNCIL MINUTES**

**June 9, 2014**

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, June 9, 2014 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President John Friend presiding and conducting the following business.

**Meticulous effort was employed to present a verbatim transcript of this meeting. Audio recordings of this meeting are on file in the City Clerk's Office.**

**President Friend:** The Honorable Council of the City of Evansville is hereby called to order. Madam Clerk, please call the roll.

### **ROLL CALL:**

**Present:** McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

**Vice-President Friend:** There being nine (9) members present and zero (0) absence members representing a quorum, I hereby call this session of the Common Council officially open.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance by Mr. Weaver.

**President Friend:** Fellow Councilmen and those in the audience, I welcome you to the June 9, 2014 meeting of the Common Council.

### **COUNCIL ATTORNEY**

Our attorney tonight is Scott Danks. Thanks for coming Scott.

### **SERGEANT AT ARMS**

We have Sergeant at Arms, which would be Officer Keen and Officer Lewis. Lewis? Okay, thank you for showing up. Appreciate that.

### **APPROVAL OF MINUTES**

We...okay, approval of the min...is there a motion to approve the May 12, 2014 and May 19 2009...May 12<sup>th</sup>, 19<sup>th</sup> and 29<sup>th</sup> meetings of the Common Council written? I entertain a motion.

**Councilman O'Daniel:** So moved.

**President Friend:** A motion made by Councilman O'Daniel and seconded by...?

**Councilman Lindsey:** Second.

**President Friend:**...by Councilman Lindsey. Ayes? Nays? Goes with a do-pass there.

Okay, I need approval of the exec...okay, do we have approval of the Executive Session Memo on May the 29<sup>th</sup>? Is there a motion to approve this memorandum?

**Councilman Weaver:** So moved.

**President Friend:** I have a motion by Councilman Weaver. Seconded by...? Oh, excuse...Councilwoman Mosby. Ayes? Nays. Goes forth. Do-pass.

I need Reports and Communications.

### **REPORTS AND COMMUNICATIONS**

#### **IN YOUR JUNE 6<sup>th</sup> PACKET:**

- \* City Council Meeting Agenda and Committee Meeting Schedule for June 9, 2014
- \* Evansville Redevelopment Commission Minutes dated May 7, 2014, May 20, 2014 and May 30, 2014
- \* Ordinances F-2014-7, F-2014-8, G-2014-9 and G-2014-10
- \* Area Plan Commission Staff Field Reports dated April 24, 2014 and Meeting Minutes dated May 8, 2014
- \* April 2014 Financial Report
- \* Weights & Measures April - May Monthly Report

#### **EMAILED MATERIAL:**

- \* City Council Meeting Minutes for May 12, 2014, May 19, 2014, and May 29, 2014
- \* City Council Executive Session Memo May 29, 2014

#### **ON YOUR DESK THIS EVENING:**

- \* Revised Short Agenda
- \* Extended Agenda
- \* Ordinance R-2014-12 Amended
- \* Eric Williams Resumé for Consideration as an Appointee for Building Authority Trustee Board

**Councilwoman Robinson:** Madam Clerk, I also put Aretha L. Sebree's resumé for consideration as appointee for the Building Authority Trustee Board on the desks.

**City Clerk Windhorst:** Thank you.

**President Friend:** Okay, is there a motion to receive, file, and make these reports and communications...

**Councilwoman Mosby:** So moved.

**President Friend:**...parts of the meeting? I had a motion made by Councilwoman Mosby and seconded by Dr. Adams. Aye? Nays? It goes forth.

I want to kind of go out of order now. We're going to go straight to the election of a VP. I entertain a motion for nominees.

**Councilwoman Robinson:** Mr. President, I nominate Dr. Adams.

**President Friend:** I had a motion made by Councilwoman Mosby...I mean Mosby, excuse me, Robinson, excuse me, and seconded by Councilman Lindsey. Ayes for that?

**Multiple Councilmembers Speaking Simultaneously:** *(Inaudible)*

**President Friend:** I know, I was going to ayes on that one. Any other motions for... Okay, do I...I entertain a motion to close the...

**Councilman O'Daniel:** Move to close the nominations.

**President Friend:** Okay I had a motion by Councilman O'Daniel and seconded by...? Oh, I'm sorry, I didn't see you Al; pardon me. Did you second to close? Okay, closure by Councilman Lindsey. Okay with that, ayes? Nays. *(Unanimous ayes)* Thank you Doc for being VP. Appreciate that.

Now I'm going to move into the...to what...pardon me? To the audit with Russ. Some of the questions we need to ask and you're going to do some clarification for us I guess.

**Councilman O'Daniel:** Yes, President Friend, if you...

**President Friend:** Yeah, I'm going to turn it over to you.

**Finance Chair O'Daniel:** Okay. Russ I asked you to come here to present sort of an explanation of the finalization of the 2012 audit. I know that there was a lot of information that's gone on since March 12<sup>th</sup>, a lot of meetings and the like, and I guess I want you to sort of explain to the Council in a...well, as brief as possible at this point, what adjustments were ultimately made, how we got there, and what the changes were, substantive changes, from the exit interview without getting too deep into that. I know that there are a number of questions that have been presented just tonight. I'm certainly not going to put you on the spot to answer each and every of those but I think it would be a...at least a good primer for us to have a base knowledge of what those adjustments were, particularly the 29 million, where those came from. And if we have further questions, you know, because of the length of evening and the discussion earlier

and I suspect we may have a little more discussion coming up, perhaps we could save those for the June 23<sup>rd</sup> meeting. So with that, I'll give you the floor.

**City Controller Lloyd:** Okay, good evening Councilmembers. Russ Lloyd, City Controller, and you should have received a PDF copy of the City of Evansville Financial Statement Audit for 2012. That was finalized by the State Board May 28<sup>th</sup> of this year. City received a regulatory opinion, unqualified opinion, which "was a clean opinion" for the City of Evansville within the standards of the State of Indiana. And I also prepared, had the Finance staff assist me, and the Utility staff prepared you a memorandum of the...we're talking about the Note 8 Restatements, which was the corrections of the beginning balances from 2011, 12/31. And I...this memo, I listed each fund in the Note 8 and the adjustment amount and the final balance amount, what the State Board did on that, the balances the City reported on the Gateway system December 31, 2011, those are the amounts they...those are considered the City's official balances so for all the funds, the 130 funds that the City has jurisdiction over, so we made...and basically all these entries, we knew about 'em, and as I indicated in the memo, we approved them all and we were familiar with all of them.

So you've got the memo. I guess really, briefly, you saw Arena Bond Accounts reported as City of Evansville Funds on the Gateway system; those had to be taken out. Those are the jurisdiction of the Evansville Redevelopment Authority so they should not be included in the City funds. That's a separate component unit, obviously affiliated with city government, but they should not be reported within the City funds. And that made up 17.9 million out of that total.

**President Friend:** Russ, for the purpose of the audience, when the arena was built, it was built by this separate agency called the Evansville Redevelopment Authority and they received the bonds and everything went through them so in essence they actually own the facility and we lease it from them.

**City Controller Lloyd:** Right.

**President Friend:** So that would be the reason why a lot of this would be off-book.

**City Controller Lloyd:** Right.

**President Friend:** Our book.

**City Controller Lloyd:** So the money didn't go anywhere; it's just reported in the wrong place. The money is the property of the Evansville Redevelopment Authority. The Redevelopment Commission has a lease with them for the use of the Ford Center.

**Councilwoman Robinson:** Russ, maybe you can help me out. Always been trying to find out this Redevelopment Authority. Who's on the Authority and who appoints this Authority?

**City Controller Lloyd:** Ken Haynie, Jr. I believe is the president. They're appointed by the Mayor.

**Councilwoman Robinson:** Who's the president...who's on it?

**City Controller Lloyd:** Kenneth Haynie, Jr. is the president. They're appointed by the Mayor.

**Councilwoman Robinson:** How many people are on this Authority?

**City Controller Lloyd:** I think there's four. Five?

**Councilwoman Robinson:** Who else in on there?

**President Friend:** I think there's five.

**Councilwoman Robinson:** Do you know the names?

**City Controller Lloyd:** I think Mary Hallock Morris is one of 'em. You remember the rest of them?

**Unidentified Speaker:** *(Off Mic)* Ted Ubelhor.

**City Controller Lloyd:** Oh, Ted Ubelhor, formerly with Fifth/Third Bank, is on there.

They don't have a regularly scheduled meeting. They meet as needed but they obviously...they met a lot when the arena was being constructed because they were approving a lot of the construction disbursements.

We'll send the Council that list.

**Councilwoman Robinson:** Thank you.

**Councilman Adams:** So what's their function now?

**City Controller Lloyd:** Well they're still the owner of the real estate, the Ford Center. They have, right now, they still have jurisdiction over the remaining arena funds, working with the Redevelopment Commission.

**Councilman Adams:** Thanks.

**Councilwoman Robinson:** Do they have jurisdiction over anything else besides the arena funds?

**City Controller Lloyd:** Not that I...not to my knowledge but I...I won't swear to that. I don't know if the attorney wants to talk about them or not.

**Finance Chair O'Daniel:** Well if we can stay on point and if we could get that information for the June 23<sup>rd</sup> meeting, as far as, you know, who's on it and what their function is.

**City Controller Lloyd:** Okay. And then to finish this up...so that was...the arena funds noted on Page 2 of the memo that they were reported in the wrong place so the City reporting should be zero for those.

And the other large piece of the 29 million was the utility funds and the biggest chunk of that was the SRF Debt Service Reserve was reported twice so the total of those errors was 10 million dollars; 10 point...let me see here, \$10,189,000. That's why that was lowered so it was just...it...the funds were not missing; they were double-reported on Gateway.

**Finance Chair O'Daniel:** Okay, so that...that took up about 28 million of the 29 million.

**City Controller Lloyd:** Right.

**Finance Chair O'Daniel:** From the audit standpoint, they didn't note any...well let me ask you this just...obviously some people have been calling this as a "Clean Opinion". It's actually an "Unqualified within the Margin of Materiality", correct?

**City Controller Lloyd:** It's an Unqualified Opinion on a regulatory basis.

**Finance Chair O'Daniel:** On a regulatory basis. What was the materiality number?

**City Controller Lloyd:** According to the State Board, we had conversations with them about that, 3% of total receipts, which would be 429 million or 3% of cash investments, that was 131 million. It'd be the lower number so that would be about 3.9 million.

**Finance Chair O'Daniel:** So if the City were off 3.5 million, give or take, that's not considered material and so we could get an Unqualified Opinion based on that.

**City Controller Lloyd:** Right but it would be more the nature of the errors and the total amount of errors.

**Finance Chair O'Daniel:** And I just want to make sure that we understand what Clean Opinion, Unqualified Opinion, those sort of things are; that there could still be a very large number out there that we need to account for and need to find to feel comfortable in our accounting processes, correct?

**City Controller Lloyd:** Right. The auditors do sampling, they do testing, they look through quite a bit of the transactions but they can't look through every transaction.

**Finance Chair O'Daniel:** Do you know what the absolute variance was for 2012 after all the adjustments were made?

**City Controller Lloyd:** I'm not sure what the question is.

**Finance Chair O'Daniel:** I thought you indicated that...out of balance by about 180 thousand.

**City Controller Lloyd:** The total amount, and I don't have that with me, of all the bank accounts, maybe it was \$180,000 something like that.

**President Friend:** Russ, I thought that during the meeting we had it was *(Inaudible)* they indicated to me it was four...it was really \$4,934,000 was the...let's define materiality. That's the number that is...would be...that would be insignificant. Be like you and I balancing our checkbook, being off by \$10.00.

**City Controller Lloyd:** Right.

**President Friend:** It would be considered to be insignificant and I think the State Board used a number of four million, three hundred and...at least that's what they told me, \$4,334,000. But what happened was they changed it. In prior years, it was like under one million dollars. Do they give you any indications why they changed it from...in '11, '10 and '09?

**City Controller Lloyd:** Well, in our communiques with them they did change it. They used to use 1% of the total revenues, or total receipts, and they checked with other states doing governmental audits and they said quite a few of them go to...use 5% of total receipts or total in cash and investments. So based on that, for 2012 they started with 3%.

**President Friend:** Well I just...

**City Controller Lloyd:** Prior to that it was 1%.

**President Friend:** But a lot of times the State Board uses Class A City rates, Class B, Class C rates and so does those others. No, I *(Inaudible)* see why someone may do 5%, depending on how...

**City Controller Lloyd:** Right.

**President Friend:** If it's a smaller amount of budget but as those but as those budgets go up, those percentages can come down to some degree so they probably, I would think that's probably why. Did they give you computation *(Inaudible)* just using just arbitrary 3%?

**City Controller Lloyd:** They just indicated 3%. I mean it's obviously...they said quality control reviews that so they could make some kind of adjustments but I would think it'd be in that ballpark.

**Finance Chair O'Daniel:** Well I...I just...I want to thank you for explaining basically where the lion's share of the adjustments were. Obviously a million dollars is...would be determined to be immaterial and that's based on some other adjustments that are outlined that were suggested by and accepted by...suggested by the SBOA.

**City Controller Lloyd:** I mean we think that's a large amount but the purpose of the audit, when you look at the whole thing, thousands of transactions.

**Finance Chair O'Daniel:** Well and I think that's the point that I just want to make is that, you know, I mean from a SBOA review I think it's great that we're now Unqualified and the like, that they determined no money's missing, you know, that we're getting our accounts back in the right accounts for that matter.

**City Controller Lloyd:** Right.

**Finance Chair O'Daniel:** The balances in the right accounts. You know I'm sure any one of us after being in an exit interview, or seeing these, or being just member of the public, we can look into this and say, "Well that doesn't seem right but the SBOA tends to be the first, last, and final authority on whether or not the books are in good shape and so I accept that, but that's not to say that we can't continue to have better processes and continue to get better until it's zero, correct.

**City Controller Lloyd:** Right.

**President Friend:** Chairman, can I *(Inaudible)*?

**Finance Chair O'Daniel:** Yes.

**President Friend:** I did have some email communications with our auditor, our supervisor, the supervisor auditor, asked him if there was any funds missing during their process and they did not find any funds missing.

**Finance Chair O'Daniel:** Correct.

**President Friend:** They confirmed that.

**Finance Chair O'Daniel:** Yes.

I think I want to reserve any questions or anything for the June 23<sup>rd</sup> meeting so we can move forward on voting but I do thank you for waiting this out and giving us that update and I'm sure that if there's any questions the Council may have, I would ask that, you know, you could either send it to me or send it directly to Russ and hopefully we'll have an answer.

**City Controller Lloyd:** Well and I could point out, and we've gone over some much of this many...several times. We were still changing processes in 2012 so this is the audit as of 12/31/12 so we feel like we've made a lot of improvements in 2013 and we're anxious to see the State Board come back and we feel like both of us have learned through this process and that we'll see...it'll be a lot smoother in 2013 and we're looking for a good result there as well.

**President Friend:** Russ, when you see the kickoff conference coming?

**City Controller Lloyd:** Well officially they don't notify the units of when they're going to come; it's supposed to be a surprise. Maybe late June, July, something like that but...

**President Friend:** Alright.

**City Controller Lloyd:**...when they show up, we'll be ready.

**Councilman O'Daniel:** *(Off Mic)* Thank you very much.

**City Controller Lloyd:** Alright. Thank you.

**President Friend:** Thanks Russ. Appreciate it.

Okay, getting back to...

*Spattering of Applause*

**President Friend:** Thanks so much. Now we can get back on the track.

**CONSENT AGENDA**

**FIRST READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE G-2014-9** **A.S.D.** **MOSBY**

An Ordinance Amending Chapter 10.50 Skateboards and Roller Skates of the Evansville Municipal Code

**ORDINANCE G-2014-10** **A.S.D.** **WEAVER**

An Ordinance Amending Chapter 10.05 General Provisions of the Evansville Municipal Code

**ORDINANCE F-2014-7** **FINANCE** **O'DANIEL**

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-Appropriation of Funds for Various City Funds

**ORDINANCE F-2014-8** **FINANCE** **O'DANIEL**

An Ordinance of the Common Council of the City of Evansville Authorizing Repeal of Appropriations of Funds within a City Department (DMD)

**ORDINANCE R-2014-12 AMENDED** **APC** **M-2 to M-1 w/ UDC**

An Ordinance to Rezone Certain Real Estate in Vanderburgh County, State of Indiana, more commonly known as 3101 W. Lloyd Expressway

Petitioner: Old Evansville Brewery Development LLC

Owners: Same

Representative: Morley & Associates, Inc.

District: Al Lindsey, Ward 6

**President Friend:** Have a motion to adopt and accept the amendments of the Ordinance R-2014-12 as Amended?

**Councilwoman Mosby:** So moved.

**Councilman O'Daniel:** Second

**President Friend:** I had a motion by Councilwoman Mosby and seconded by Councilman O'Daniel. Aye? Nay? It goes forth.

Is there a motion to adopt the Consent Agenda as written?

**Councilman Weaver:** So moved.

**Councilwoman Robinson:** Second.

**President Friend:** I had a second by Councilman Robinson. Who motioned first?

**Councilwoman Robinson:** Councilman Weaver.

**President Friend:** Oh, I'm sorry. Councilman Weaver. Ayes? Nays? Goes forth.

**CONSENT AGENDA**

**SECOND READING OF ZONING ORDINANCES**

**ORDINANCE R-2014-6 AMENDED      APC      C-4 to C-2**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1824 Pollack Avenue, 1931 and 1937 S. Weinbach Avenue

Petitioner: Two Kins Investments, LLC  
Owners: Same  
Representative: Andy Easley Engineering, Inc.  
District: Connie Robinson, Ward 4

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 10 affirmative votes and 1 abstention.

**ORDINANCE R-2014-7      APC      R-4 to C-1**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 701 N. First Avenue

Petitioner: St. Anthony Catholic Church  
Owners: Catholic Diocese of Evansville  
Representative: Thomas J. Keith  
District: Al Lindsey, Ward 6

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 7 affirmative votes.

**ORDINANCE R-2014-8      APC      C-2 to C-4**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 6009 Oak Grove Rd. and 1524 Kimber Lane

Petitioner: Head Investments, LLC  
Owners: Same  
Representative: Brian Hutchinson  
District: Dan McGinn, Ward 1

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 7 affirmative votes.

**ORDINANCE R-2014-9**

**APC**

**R-1 to C-1**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1500 Lincoln Avenue

Petitioner: Catholic Diocese of Evansville

Owners: Same

Representative: Morgan D. Jones, Sr.

District: Missy Mosby, Ward 2

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 7 affirmative votes.

**President Friend:** A motion to accept the amendment of the Ordinance R-2014-6 as Amended?

**Councilman Weaver:** So moved.

**President Friend:** I had a motion made by Councilman Weaver, seconded by...?

**Councilwoman Mosby:** Second.

**President Friend:** Councilwoman Mosby. Voice vote. Ayes? Nays? So ordered. Is there a motion to adopt the Consent Agenda Second Reading of Ordinances and to accept the Area Plan Commission Report?

**Councilman O'Daniel:** So moved.

**President Friend:** I had a motion made by Councilman O'Daniel, seconded by Councilman Lindsey. Aye? Okay, nay? It goes forth, stands at Third Reading of the Zoning Ordinances, which is a final action.

**REGULAR AGENDA**

**THIRD READING OF ZONING ORDINANCES**

**ORDINANCE R-2014-6 AMENDED**

**APC**

**C-4 to C-2**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1824 Pollack Avenue, 1931 and 1937 S. Weinbach Avenue

Petitioner: Two Kins Investments, LLC

**President Friend:** Yes.

**Justin Schoffstall:** Justin Schoffstall with Easley Engineering. Last month we were tabled here to get the chance for...both Wayne and Keith Kenny are here with Two Kins Investments. Get a chance...my understanding is they did reach out. The majority of those folks they reached out did respond back. I do have a letter here from Salvation Army giving their support for the project at this time. I'd like to give it the Council. I know there hasn't been quite enough discussion about apartments this evening but this is a downzoning from C-4 to C-2 for a 76-unit apartment complex. At this time, as far as with the April meeting, we were given a positive recommendation for approval by the Area Plan Commission. At this time, with my clients, they have spoken with the majority of the adjacent property owners, those that have gotten back with them, and my understanding at this point, with the neighbors having a more clear concept of what we're doing and providing, besides just the few occasion residential property owners that are still against this, which I believe when I had the summation from last time, it'd be difficult to have a consensus on this project in general. But it's my understanding, as far as with those most vociferous remonstrators, are now on board and are accepting of the project.

And I'd be happy to answer any questions you may have.

**Councilwoman Robinson:** Last time we requested that you meet with the VFW...

**Justin Schoffstall:** That's right.

**Councilwoman Robinson:** Did you meet with the VFW?

**Justin Schoffstall:** Yes, it is my understanding as far as late last week...was it Friday? It was last Friday when they spoke with the VFW.

**Councilwoman Robinson:** And so the VFW is in support of this?

**Justin Schoffstall:** It is my understanding, yes.

**Councilwoman Robinson:** Is someone here from the VFW? Councilwoman Mosby.

**Councilwoman Mosby:** Also, when I spoke with the developer, he had called me as well, I had asked that he contact me and Councilwoman Robinson when they were going to hold that meeting for the VFW because one of us would have liked to have been present to know what happened. Also, I asked for them to contact Eastview Neighborhood Association, and to my knowledge...I just spoke with the president and couple of the members; I'm also being texted by several, that that never happened.

**Justin Schoffstall:** As far as my understanding is, my last conversation with Kenny prior to them having the meeting with the VFW last Friday was that they had set up several meetings and the VFW had cancelled those meetings on them off and on due to conflicts. As far as Eastview, my understanding from talking with both Wayne and Keith is that their contact...they did leave messages with Eastview based off those numbers, so at that point all I can say is that...

**Chris Cooke:** *(Off Mic) (Inaudible)*

**Councilwoman Robinson:** Wait, Chris let me ask him a question before I forget. Who is Kenny?

**Justin Schoffstall:** Kenny Reinbrecht is their contractor/developer.

**Councilwoman Robinson:** Okay. And the owner of the property?

**Justin Schoffstall:** Is Wayne and Keith Kenny, Two Kins Investments.

**Chris Cooke:** Chris Cooke, president of the Eastview Neighborhood Association. We...I've never been contacted, okay?

**Ronnie Johnson:** *(Off Mic)* Neither have I. 1702 Pollack Avenue. Never.

**Unidentified Speaker:** Never.

**Councilman Adams:** It's not time for discussion yet.

**Councilman O'Daniel:** *(Off Mic)* Are your clients here?

**Justin Schoffstall:** Yeah, my clients are here. Wayne, Kenny?

**Keith Kenny:** Keith Kenny.

**Wayne Kenny:** And I'm Wayne Kenny and I think I talked to you Missy. The VFW, when we met with them, we had that meeting set up twice or three times and every time it was cancelled, and about 3:00 or 3:15 on Friday, we called again and said, "We have to meet with you", cause we knew we were coming here, and they said, "Well come on over right now". So that...I apologize that we did contact you two about that but I met with three people there, showed them the plans. Drainage was their number one issue; they were afraid it was going to drain toward them. Two is they were interested in the fencing behind our project, which...

**Justin Schoffstall:** *(Off Mic)* That'd be Plantation Court

**Wayne Kenny:** Okay, on the very back of that because there is a lot of people that walk from Planation over to the liquor store, Pizza Hut, those establishments over there across this property, and a...so at the end of that meeting, they were okay with the direction that we were headed in.

I apologize to Chris and the neighborhood association that that meeting didn't get in place. Kenny Reinbrecht was going to...to my knowledge, he said he had placed a call. If he didn't, I apologize. That's our oversight I guess.

We did meet with Salvation Army; you have that letter, and we did talk to the pizza shop and we talked to the liquor store. We did not talk to the owners of those two. We dropped off business cards to the people that were working and said, "Get this if there's any concern to contact us", so I don't know that that constitutes that we talked to the ownership of that but I can't imagine the liquor store and the Pizza Hut not being in favor of 78 more customers across the street.

**Councilwoman Robinson:** I think Councilwoman Mosby and I have both talked to Justin and said that we would be available to meet and I know this area was Councilwoman Mosby's area so they hadn't been in communication with her and she's always been in contact with me. But we have reached out and we have not heard anything.

**Councilman Weaver:** I've communicated...

**Wayne Kenny:** Right.

**Councilman Weaver:**...with the property owner, so I mean he has reached out...

**Councilwoman Robinson:** To you.

**Councilman Weaver:**...I guess to the best of your ability.

**Councilwoman Robinson:** Okay, he's reached out to you.

**Councilman Weaver:** Yes.

**Councilwoman Robinson:** Okay, well that's good.

**Wayne Kenny:** I talked to you.

**Councilwoman Robinson:** But you didn't talk to me.

**Wayne Kenny:** Right.

**Councilwoman Mosby:** But I asked that you...

**Wayne Kenny:** Kenny Reinbrecht...Kenny Reinbrecht did call you.

**Councilwoman Robinson:** Uh-huh. Didn't I talk to you Justin, about the dirt? Wasn't it you that called me about the dirt?

**Justin Schoffstall:** I...when I first called it was when I left messages regarding when we originally filed on this. Kenny Reinbrecht would have been at any follow-up conversation you had in regards to the dirt, etc.

**Councilwoman Robinson:** Yeah, that was just about the dirt; it wasn't about the zoning.

**Wayne Kenny:** Right, but that's the Kenny that we're talking about.

**Councilwoman Robinson:** That is now in the Fourth Ward. It's no longer the Second.

**Councilwoman Mosby:** And I did ask for them to reach out and talk with...talk to Councilwoman Robinson because that is her ward and also asked that any meetings be set-up that her and I both be contacted so...I really like we put this meeting off for you to make the contacts necessary but then you didn't make the contacts necessary on Council either.

**Keith Kenny:** I can speak about Mrs. Robinson. Kenny told me that you had offered to meet with us and the VFW. The way I understood it is if we wanted your presence there...I didn't realize it was a, "I would like to be there" request. So I'll take that as a *(Inaudible)*...

***Speaking Simultaneously***

**Councilwoman Robinson:** Okay, when I suggested I'll be there, I'm a busy person so if I'm saying I'm going to come, I'm going to come, otherwise I wouldn't volunteer to come.

**Justin Schoffstall:** But I believe as far as with what the Kennys have mentioned as far as that Friday evening, the meeting with the VFW was a last minute thing and it was now or never.

**Councilwoman Mosby:** I've had several phone calls today also about this and I left a message with Connie. Connie's aware of this and there's just a lot of opposition to this and I just wanted to go on record and let people know that.

**Councilman Adams:** I just want to gently remind you, number one, that the Area Plan, I believe, voted this...I don't think there was any...I abstained but everybody else thought it should go through and this is downzoning, not an up-zoning. I think it's what, C-4?  
*(Inaudible)*

**President Friend:** C-4 now.

**Councilman Adams:** So if you want to put something worse in there, something more heavily commercial like an abattoir, slaughterhouse.

**Justin Schoffstall:** And I believe...

**Councilman Adams:** I just want a little...I want a little balance here. This property has been empty for...

**Councilwoman Robinson:** Doc, we real...I think...

**Councilman Adams:** We've got to increase our tax base.

**Councilwoman Robinson:** And we realize that whether it passes or not he can still build the apartments. All we're asking is that we want him to communicate with the neighbors. Isn't that like the Good Neighbor Ordinance? We want him to communicate with the neighbors.

*Applause and Cheering*

**Councilman Adams:** I can rest awhile hearing Good Neighbor but that's okay.

**Councilman O'Daniel:** I think Chris wanted to say something so...

**Chris Cooke:** Chris Cooke, president...Chris Cooke. I'm wearing my president of the Eastview Neighborhood hat tonight. I was not contacted and the association doesn't have a say in this for or against. We just want to be in communication because at our last month meeting, when it was brought to our attention, after the newspaper report and we spoke to Councilman Weaver, there were some concerns about flooding and traffic count and basically, the neighbors just want to have dialog with the developers. It doesn't necessarily mean that our association is against this, we just want to have an ability to speak with them. Because of the way the zoning laws are written I guess,

because we're not the adjacent property owner, we're like the next house over would be where our boundaries would start for Eastview, we weren't notified.

So that's why the first I've heard of it when I saw the Courier and Press article after your meeting where you guys had tabled it. But I just would like the op...I don't if it's passed that point but, you know, we would like to have 'em out to discuss the plan regardless.

**President Friend:** Thank you. Is any other...any questions from anybody else from Council about this?

**Councilman O'Daniel:** Move to call it to roll.

**President Friend:** But before I do that maybe find out if we've got anybody in the audience. Anybody...

**Mark Collins:** *(Off Mic)* I'd like to say something.

**President Friend:** Yeah, come up and state your name and address for the record please.

**Mark Collins:** I'm Mark Collins. I live at 1723 Pollack. I'm a member of the VFW and as far as I know, they're opposed to this. As far as I know and my concern is we've got a lot of heavy traffic out there right now; a lot of traffic. I mean it's going to be more people walking up and down through our yard so that's one reason I'm opposed to it and then I think there's some sewage problems cause they've been working on the sewers out there too.

Thank you.

**President Friend:** I have a...someone gave me a note. Herman Miller? Is he in the audience? Yes. I got you at 1819 Pollack.

**Herman Miller:** *(Off Mic)* Yes, I live directly across the street.

**President Friend:** Yes, go ahead sir.

**Herman Miller:** I was not able to attend the Council meeting in May because I had to work and in fact, I'm supposed to be working right now. I'm salaried but I still work rotating shifts. I was the only person in the beginning to call Mr. Schoffstall when we received the first...very first letter for the APC. I also am not used to these types of meetings so I was very nervous and I'm still nervous, I'm sorry, so I forgot to bring up some concerns that I had.

First I would like to say that I'm opposed to the project. Regardless of what has finally determined if you look at the neighborhood picture in that area, a high-rise apartment complex will look completely out of place. Even if it would be a commercial establishment of some sort, it will still look like it fit in being only one story.

Second, both the APC and the City Council urged Mr. Schoffstall to have his clients reach out to the neighborhood, which has not happened, at least not to me.

And as far as being good neighbors, if you look at these pictures, and I've got three pictures for the Council to look at. If you'll...I apologize. The first one is the panoramic view of our neighborhood of the three neighbors. The second is a picture of the field on May 18<sup>th</sup> and our grass on May 18<sup>th</sup>. It shows the developer really has no interest in being a good neighbor as far as I'm concerned. While we have cut our grass at least three times this year, on May 18<sup>th</sup> they had not cut the field one time. I find it very interesting that on May 18<sup>th</sup>, a Sunday no less, the field was cut for the first time. It was cut less than two hours of the time I took those photographs. It was late in the afternoon and evening on the Sunday. It actually looked worse after they cut it than it did prior to cutting.

**Ronnie Johnson:** *(Off Mic)* That's right!

**Herman Miller:** A hay baler, rather than a mower, would have probably looked better.

Third, Mr. Schoffstall said during the APC, and when I called them, that they were looking at 72 to 76 apartments. During the APC he did say that they were maxing out at 82 but no more than 90. During the last City Council meeting he said only the 82 had been mentioned, not the 90. That is not what we all heard and it's not what is in the copy of the minutes of the APC, that I asked to be sent to me, on Page 5.

At the APC, Mr. Schoffstall said there would 12.42 feet of greenspace between the apartments and the VFW. At the City Council meeting, he said there would be 11-foot area. Right now, the VFW has bands that play there. How will this be received by the tenants of the apartments that are only 11 feet from them and from the music?

This is only my opinion but with the inconsistencies being showed, I'm not convinced that this client will play fair. Once they obtain approval, what is to stop them from going even further?

Now I have two main concerns that I would really like to talk to. One is flooding. A lot has been talked about about the flooding problem but we already have a flooding problem now. This may or may not increase that problem but I'm not an engineer so we hope the City engineers that would approve their plan would consider that.

I do, however, have concerns with another type of flooding that has not been mentioned that I've heard. Our sewers have a tendency to backup now, even when it is not raining. Our sewers have not been worked on yet as in some other areas of the southeast side. What will the discharge from 72, 76, 82, or even 90 apartments from the bathrooms, kitchens, and laundry facilities do to the sewer system if it cannot handle the water that we have now?

The second item is traffic. Traffic has been mentioned quite a bit. This area traffic was compared to Rally's, which is not a fair comparison. Rally's has a four-lane highway with U.S. 41 with a stoplight. We have only a two-lane road. With only a U-turn entrance/exit, what would happen if a fire or some other catastrophic event happened in the front/middle units? How would the people in the side and the back areas get out? How would emergency personnel be able to get in? Somehow, there needs to be a way around this to have another entrance/exit. Could the developer maybe work out a deal with the Salvation Army to have an entrance/exit on their front, right-hand side where there's a drive going anyway? Could the developer maybe purchase one of the duplexes behind them and have an entrance/exit there?

The other area of concern was with traffic and the one that will make my conscience clear is what about all the children from this development? The stores in the small shopping center are very affordable stores: the Dollar General Store, The Dollar Tree, Goodwill, Dominos, and Save-A-Lot. With the number of apartments being planned there is no way to prevent quite a few children from running across Pollack to get to the store for candy or other goodies. The fast drivers, and especially all the semis, cannot stop to avoid hitting one of them. There are a lot of people who walk down from Riverside but they are on the same side of the street as the shopping center. There needs to be a way for the children to safely cross the street. Could the developer find some way to allow them to cross the street safely?

Also a concern would be the people who rush Friday and Saturday to buy their alcohol. There have been many accidents in the area while they fight over a parking space on side of the shopping center, which I believe was actually designed for the delivery semis so they don't have to walk from the parking lot. I'm sure there will be alcohol users in the apartments and unfortunately one of them may also be hit. I'm not against alcohol or parties but have been...I have been drunk before and I know your judgment is impaired.

By the way, instead of guessing about the amount of traffic that goes by that area, you could actually count the number of cars, trucks, busses, etc. I have cameras on the front of my house and one shoots video from my house up the street towards Weinbach. I actually sat down on a Friday night because Mr. Schoffstall said that 4:00 to 6:00 p.m. was rush hour so this is the number based on that Friday, Saturday, and Sunday, May

30<sup>th</sup>, 31<sup>st</sup>, and June 1<sup>st</sup> from 4:00 to 6:00 p.m. I broke it down to pedestrians, cars and pick-up trucks, bicycles, which include motorcycles and scooters, semis and large trucks, and busses. *(Off Mic)* I'm sorry but I don't have enough for everyone. Each one is a separate sheet of paper.

On Friday, between 4:00 and 5:00, there was 431 cars and pick-ups that went by that area. Between 5:00 and 6:00...I'm sorry, the time is wrong on that second; there was 443. On Saturday between 4:00 and 5:00 there was 356, between 5:00 and 6:00 there was 370, and on 70...Sunday, there was 241 between 4:00 and 5:00 and 267 between 5:00 and 6:00.

Thank you. That's all I have.

### *Spattering of Applause*

**President Friend:** Yes, come on up sir. Please state your name and address for the record please.

**Ronnie Johnson:** My name's Ronnie Johnson. I live at 1702 Pollack Avenue, about four houses down where they want to build this new unit and the guy that was up there talking a minute ago, he didn't say things *(Inaudible)* said about is. It was on Pollack Avenue from Lodge School down to Weinbach, that's about at least a four block run down through there, one straight run. There are no sidewalks on the opposite side where it's gonna be. On the side it's gonna put it on there are sidewalks. The other side there aint so people will get on that...they go...on that block, they come *(Inaudible)* down the street, going down to store *(Inaudible)* down there and they borrow their grocery carts down there and they come back down Pollack Avenue heading that way, Riverside again, on...out in the street cause there's no sidewalks.

Many times I have seen...there's a big field there...they come down to that big field, they put their carts sits right and then walk across the field with their groceries. A lot of times I've seen, like down there...down there at Save-A-Lot down there, I've seen several carts, grocery carts, laying in the street itself. And like I said, on that one side, there is no sidewalks at all from Lodge School clean...about a four-block area from Lodge School down to Weinbach there are no sidewalks on that one side and like I said, people out there I mean that one side, they will actually walk in the street sometimes. I mean people out with children in buggies, I mean pushing babies in buggies you know, three or four young people and everything. See a bunch of 'em live over there in those apartments over there off Riverside. I don't know what they're called but they're out there close to Lodge School, apartments out that away, out Lodge Avenue. Anyway, the apartments out there so a lot of 'em...they...there's a big field there by the Heritage School there, so they're on Riverside so...because...big field across over there to Pollack

Avenue then they get in the street sometimes and walk down the street down there cause they're pushing a baby buggy and it's hard to push on in just regular ground, so they push it down there and I see sometimes the little bitty kids about that...just small children you know down at the Pantry thing and I'm just wondering...anybody...I'm surprised, I really am. A woman got killed. I mean you just make a (*Inaudible*) stumble and fall and they get...cars could run over 'em cause there's no sidewalks there but they... so they push that cart down there and sometimes (*Inaudible*) babies...babies, you know and small children and I'm just amazed that one aint got hit...kids already.

Also that street out there, it's got, in the middle it's got a, you know, dual line, no crossing, I mean no passing, and the last three days I been watching out there and I've seen about three or four cars come around there just a barreling it! (*Inaudible*) run down somebody. Cause also, since, you can just figure, since there's a...that from Weinbach up to Lodge School and visa-versa you got about a four-block area down through there and well it's like...well like Haubstadt Park you know, runway. They just zoom right down there all the time. About every...I'd say at least once a week...you probably checked you cop friends...cop friends over there, officers, there's a guy sitting over there by that school over there, I mean that church over there, in a police car watching for speeders cause everybody knows that they just fly down through there all hours of the day.

And also that a...that a lot of 'em...now first of all, that...what I was gonna say tonight, you know, I realize there's a need for low-income apartments. I mean there's just...housing is broke now, that's a good picture. That's bad but there's some apartments out there outer Lodge out there that are similar to what you guys want to build down there. So I was over there looking the other day over there. Now they say they're hard up to find apartments for people and get 'em on...you know it's kind of a need-need you know. Well I went over there yesterday and the apartments over there, there's about similar to what they're gonna build there on Pollack Avenue down there and there was a pla...there was a unit down there...it was a 31 unit whole building empty all the way...completely empty, windows knocked out, boards (*Inaudible*), doors boarded up. When they first moved those apartments in there in that area, they built 'em a pool, a rec house, a playground and a ballpark. Well (*Inaudible*), the pool was (*Inaudible*), it was just trashed, twice, so they shut it down. And so the fellowship hall, I think it's down too. Then the playground over there, I heard...I read it in the paper one time, it's so dangerous that no one wants the kids there on the playground for worrying about cut glass and well, used drug needles to be actual facts with you. So that, you know, that's there so they, in other words, so that's what you got to deal with so I don't want the same thing over two blocks down there.

I realize they need, you know, they need housing for low-income housing, that's true, but over there...over there...in that (*Inaudible*), that area over there, they went over there

and built 'em some right nice (*Inaudible*), nice apartments over there, nice apartments, put 'em in a pool and oh it's dug, tried to do 'em right and everything and they just...and they just shacked the place. I mean they shut it down one wintertime and that next summer they found broken glass in there, hypodermic needles, beer cans, trash just all over the wall. So finally in the pool in that park over there, they shut it down so I don't...ah now, I say I don't really want people...

**Councilman O'Daniel:** We've got a lot of other people...

**President Friend:** Yeah, we got...

**Ronnie Johnson:** Well I'm just saying I think it's a bad thing and it's...now people might say...well now I was here last time; I was kind of accused of maybe being a little bit prejudiced and I might sound a little prejudiced but now I live right by an Afro-American church. They been there about 20 years now, they been by me and a few years ago I gave 'em about an acre of land that I owned back there for 'em to expand on. So if I was prejudiced I wouldn't be doing...giving that land like that.

**Councilman O'Daniel:** Nobody is accusing you of that.

**Ronnie Johnson:** Well I'm just saying...

**Councilman O'Daniel:** I understand you're against the project...

**Councilwoman Robinson:** Let me address that. I think he was talking about me. I did not say that you were prejudiced; I said that where you talked about low-income people, Section 8, and that you had a thing against...I guess you didn't want more low-income people and Section 8. And it goes back to what I said, again, where does the poor go?

**Ronnie Johnson:** Now...hey!

**Councilwoman Robinson:** The have and have-nots in the world.

**Ronnie Johnson:** Hey, those houses over in front of Lodge Avenue, they were the poor! The place is a whole unit...the whole building shut and its boarded up, (*Inaudible*) is broke...not even worked on it at all. It's just a slum area you might say, real bad and they did that for them, that was low-income housing. And back then people said the same thing, "Well, they need low income housing". Did they appreciate it? No they didn't obviously.

**President Friend:** Well, I appreciate...

**Ronnie Johnson:** One more...I want to say one thing fore I got to go.

**President Friend:** You got 15 seconds.

**Ronnie Johnson:** Hey! I've lived there for about 30 some-odd years. Since that park's been over in that area over there on Lodge Avenue out there, in my own front yard I had a drive-by shooting right in my own front yard. Got shot...shot in the leg. If it was that bullet, *(Inaudible)* that bullet could hit me in my house. Down there...down there at the VFW down there, years ago a guy was *(Inaudible)* in there from this tavern *(Inaudible)*, guy died, they cut his throat.

**Councilman O'Daniel:** Sir...

**President Friend:** Sir, we appreciate...we understand, you're not for this. I get it.

**Ronnie Johnson:** But I'm not *(Inaudible)*. This is all the same block! Same block!

**President Friend:** Hey...

**Ronnie Johnson:** They...like a said...

**President Friend:** *(Uses gavel to regain order)* Hey...

**Councilman O'Daniel:** We addressed this last time.

**President Friend:** Yeah, we addressed the last time, remember this.

**Ronnie Johnson:** But I'm just saying, if you could see the apartments down there, what's going on over there, you wouldn't want 'em to be there.

**President Friend:** Well with that, thank you for your comments, so much.

**Ronnie Johnson:** Let me just...you all can go home *(Inaudible)* Let me just...Ya'll can go home to a...

*Speaking Simultaneously*

**President Friend:** We've got other...I think we go somebody else...

**Ronnie Johnson:**...real nice, high class *(Inaudible)* somewhere you know...

**Councilwoman Robinson:** No...

**President Friend:** Hey!

**Councilwoman Robinson:** I don't live in high-class neighborhood. I live in the center-city and I'm proud of it.

**President Friend:** Berniece, come on up here.

**Councilman Weaver:** Me too.

**President Friend:** It's been a while since...let's give Berniece a hand of applause.

**Councilman O'Daniel:** Brief.

**President Friend:** Yeah, brief please. Go ahead.

**Berniece Tirmenstein:** It is brief.

**President Friend:** Okay.

**Berniece Tirmenstein:** Thank you. Berniece Tirmenstein, 1636 E. Blackford Avenue. I'm speaking on behalf of the VFW Post. As veterans fought for freedom for our nation, then we as citizens need to have the courage to stand for their freedom. The freedom to gather for camaraderie, relief of stress without all the noise, crime, and traffic proposed...with this proposed apartment complex. Thank you.

**President Friend:** Well thank you Berniece.

*Applause*

**President Friend:** Is there anybody else in the audience for or against this?

**Mark Collins:** *(Off Mic)* I've got one more question.

**Unidentified Speaker:** *(Off Mic)* You already talked.

**President Friend:** Well, I give you 20 seconds. Shoot.

**Mark Collins:** Real quick.

**President Friend:** Yes.

**Mark Collins:** What is the reason for rezoning 1931 and 1937 S. Weinbach where the Salvation Army is?

**President Friend:** I have to refer that to...

**Unidentified Speaker:** *(Off Mic)* Behind it.

**President Friend:** Behind it? I don't know. Please.

**Justin Schoffstall:** That is the address for those properties that are behind the Salvation Army.

**President Friend:** Yeah.

**Justin Schoffstall:** Because as per the tax codes, that is the legal address associated with this.

**President Friend:** Yes.

**Justin Schoffstall:** And it's behind those.

**President Friend:** Yeah.

**Councilman Weaver:** I think it's multiple parcel.

**President Friend:** Let me ask you, what's the overall cost of this project? I just curious. You have any idea?

**Justin Schoffstall:** Overall cost of construction?

**President Friend:** Yeah.

**Justin Schoffstall:** Well, as far as...because we filed for Site Review last week, we were heard at Site Review this morning for 76 units...

**Wayne Kenny:** *(Off Mic)* 4.4 million.

**President Friend:** 1.4?

**Unidentified Speaker:** *(Off Mic)* 4.4  
*Speaking Simultaneously*

**Justin Schoffstall:** 4.4 million according to Wayne Kenny.

**President Friend:** So that would be \$80,000 worth of taxes probably. If not more.

**Councilman Weaver:** It's cur...I believe it's currently assessed around \$88,000 or something so yeah, when you add to the tax rolls...

**President Friend:** Yeah, about \$80,000. Let's see, you being...you being the assessor one time, the...we...that also will change the rate in that...in that...will help lower the rate for all the owners of property in that...within that area.

**Councilman Weaver:** That's a possibility.

**President Friend:** Possibility.

**Councilman Weaver:** Basically, the way I look at that, the value of that land, about \$80, \$88,000 I think I looked at it...

**President Friend:** Yeah.

**Councilman Weaver:** If that climbs to seven figures...I mean it's gone up 40 times in assessed value with the improvements that will be put on there.

**President Friend:** And today, what's the property tax again? Is just a...

**Councilman Weaver:** I don't know what the tax is but it's assessed at \$88,000 roughly.

**Ronnie Johnson:** *(Off Mic)* And that *(Inaudible)* auction.

**Councilman O'Daniel:** Sir...

**Ronnie Johnson:** *(Off Mic)* The house sold for *(Inaudible)*.

**President Friend:** Yeah, yeah thanks. Thanks sir.

**Ronnie Johnson:** *(Off Mic)* *(Inaudible)* a lot.

**President Friend:** Okay.

**Ronnie Johnson:** *(Off Mic)* *(Inaudible)*

**Justin Schoffstall:** If there's any other remonstrators, I'd like the chance to go ahead and rebut on a few items.

**President Friend:** Sure, go ahead.

**Justin Schoffstall:** One as far as what Mr. Miller had brought up as far as his original first phone call at our office, his concern again was as far the traffic coming in and out and as far as the lights going in with the property. It's a C-4; anything else that goes in there could be a 24-hour convenience station. With that, we do have the two entrances there so as far as a, God forbid, a catastrophe happens in one of the buildings, there's another exit for emergency vehicles to enter and exit along with the tenants themselves to leave.

As far as with sewage, sanitary sewage, where we are connecting our units is into the rear of our lot, back behind towards Plantation and that sub-division north of us. Those residents that are on Pollack connecting the sanitary sewers at that location so along Pollack so those Pollack residents are connecting into a sanitary sewer along Pollack Avenue, so I can say at this point as far as where we are discharging our sanitary sewage from these units, again, that's 76 as per what went to Site Review, we would not be causing an immediate (*Inaudible*) in case there are problems with that portion of their leg in the sanitary sewer because we are on a separate leg.

As far as the storm sewer, again there is a 36" sewer, dedicated storm sewer, that comes across our property, picks up those inlets on Pollack and drains to the west towards Highway 41, Bee Slough drainage area.

With that, as far as that portion of Pollack, I've been out there when there has been rain events. This does not pond like those properties there immediately at Weinbach and Plantation where there is poor drainage and I think a lot of the problems where a lot of the folks are concerned about renters, and that stigma that has been thrown on renters, is because those homes that are R-4 in Plantation Court, those are all multi-duplexes, it's not the highest standard that you would find as far as for rental properties because the majority of those folks that are on Plantation Court, as far as the property owners, they are exactly the same problem that you were talking about earlier in regards to the Good Neighbor Ordinance, which is out-of-state, out-of-city landlords. And with that, yeah I can say Plantation Court is not the ideal location to where you want to have somebody representing this is the type of establishment we put up.

We're not putting up high-rise apartments. The tallest building we have is a two-story. And again with that, having two-story fitting in with the neighborhood, the last time I've been around Evansville there's a large mix of one, two-story and split-level home all over so as far as fitting in with the looks and aesthetics in the neighborhood, I'd say that a two-story apartment complex, with the required tree plantings that we have for landscape islands, etc., the landscaping that we have around the property, we're making an improvement.

And as far as what Mr. Kenny had stated here earlier, to answer Mr. Friend's question, it's a 4.4 million dollar improvement on this piece of property; something that has sat vacant for C-4 for years and what they're doing is, again a lot of times where people looking at as far as apartment complexes, if you had this type of issues that are being brought forth and then talked about in the Good Neighbor Ordinance that has been discussed, it comes down to lack of management and with this, they're local. They live here, they work here, they're not going to have something that's going to represent them as far as this is a bad project. It comes down to where they have the good management on that. I can say that right now with this project, we won't have...we don't have a pool. It's not in there with what we went to Site Review with, there is no clubhouse associated with it. The managerial office and rest of it is units for living.

So as far as with the traffic that was brought up, again you can go to the MPO, bring up the traffic counts. The residential collector that is Pollack Avenue generates less than 4,000 vehicles annual, average daily trips. And again, with the apartment itself, it generates less traffic than whatever C-4 heavy-use that we could put on there now. So again, as far as what we're proposing, the C-2 for apartment use will generate less traffic than what you would have with your fast-food restaurants, strip malls, anything else of that sort.

**Councilman O'Daniel:** Do your clients own other real estate ventures in town?

**Justin Schoffstall:** Yes, here as far as...they own mini-storage projects in northern Vanderburgh County, Warrick County. Is there anything else I'm missing off the top of my head?

**Councilman O'Daniel:** Any residential?

**Justin Schoffstall:** Any residential?

**Wayne Kenny:** *(Off Mic)* We have 90 apartments. *(Inaudible)*.

**Councilman O'Daniel:** Where at?

**Wayne Kenny:** Where at?

**Wayne Kenny:** *(Off Mic)* Pollack Avenue right past I-64 *(Inaudible)* on the left-hand side *(Inaudible)*.

**President Friend:** Do we have any other questions?

With that said, I entertain a motion to adopt Ordinance R-2014-6 Amended?

**Councilman O'Daniel:** So moved.

**Councilman McGinn:** Second.

I had a motion by Councilman O'Daniel moved and Councilman McGinn. Please call the roll.

***Comments made by Councilmembers prior to casting their respective votes.***

**Councilman McGinn:** You know I wish everybody came in here singing and humming and they were all happy. It makes my job a little easier. But since there is not ever going to be an agreement on this, let's be realistic about it. I'm going to rely what's, in my opinion, best for City and that's not to have a great big lot that someone could put C-4 in there, have a whole lot more traffic than R-2 is going to do. I also think it'll benefit the school. There'll be more kids, more federal dollars, Lodge School gets better. The local...the grocery stores, the Dollar what-ever that you have in that particular area, they're going to get some business on it so I think it's a good project and good zoning. I vote aye.

**Councilwoman Mosby:** I wish I would know, really, what the VFW had to say. I wish I would have been involved in that conversation. I've had a lot calls today against and, you know, with that information I'm voting no.

**Councilman Lindsey:** Being retired veteran and also I'd like to side with the neighbors, it is a...it is with mixed emotions and I vote no.

**Councilman Adams:** Being a retired (*Inaudible*), I vote yes.

**Councilman O'Daniel:** In echoing sort of what Councilman McGinn said, this has sat empty for generations as far as I can remember, probably as long as I've been alive. I do have some real concerns about the process upon which this was done, some real miss-communication and realistically it never should have gotten to this. I understand the strong emotions one way or another but I do thing that this is the most appropriate thing in that area. It will bring a little vitality to the area. I don't...I don't think that it will bring the problems that some have focused on. This is a new development. Not something that's been cycled down or anything so with that I vote aye.

**ROLL CALL**

**Aye:** McGinn, Brinkerhoff-Riley, Adams, O'Daniel, Weaver, Friend

**Nays:** Mosby, Robinson, Lindsey

**President Friend:** With...how many?

**City Clerk Windhorst:** Six ayes.

**President Friend:** Six (6) Ayes and three (3) Nays, Ordinance R-2014-6 Amended is declared adopted.

**Justin Schoffstall:** Thank you.

**Ronnie Johnson:** *(Off Mic)* Might as well hire more cops *(Inaudible)*!

**President Friend:** Okay.

**Ronnie Johnson:** *(Off Mic)* More cars. More runs.

### **REGULAR AGENDA**

### **THIRD READING OF ZONING ORDINANCES**

#### **ORDINANCE R-2014-7**

#### **APC**

#### **R-4 to C-1**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 701 N. First Avenue

Petitioner: St. Anthony Catholic Church

**President Friend:** Back again.

**Justin Schoffstall:** I'm Justin Schoffstall with Easley Engineering. This is one of those deals where I like to call it a no-brainer. This is essentially for St. Anthony to rezone a spot location for electronic message board. We were heard at APC; a recommendation for approval and I'd be happy to answer any questions and ask that you move forward with approval on this rezoning.

**President Friend:** Do we have anybody on Council with questions? Well, first of all I got to ask anybody in the audience. No? Wow.

I had a motion to adopt the Ordinance R-2014-7. I got one by Councilman Lindsey.

**Councilman Adams:** Second.

**President Friend:** Seconded by Dr. Adams. Please call the roll regarding R-2014-7

### **ROLL CALL**

**Aye:** McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

**President Friend:** Well with nine (9) Ayes and zero (0) Nays, this goes forth.

**Justin Schoffstall:** Thank you.

**President Friend:** Thank you.

**REGULAR AGENDA**

**THIRD READING OF ZONING ORDINANCES**

**ORDINANCE R-2014-8**

**APC**

**C-2 to C-4**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 6009 Oak Grove Rd. and 1524 Kimber Lane

Petitioner: Head Investments, LLC

**President Friend:** Do we have anybody representing Head Investments? Nobody here for Head? Well...

**Councilman McGinn:** *(Off Mic)* Maybe we ought to table that.

**President Friend:** Well that's a good question. What do we need to do?

**Councilman O'Daniel:** *(Off Mic)* This is Third Reading.

**President Friend:** Somebody *(Inaudible)* represent Head. You think we ought to table it or what?

**Councilman Adams:** Table it.

**President Friend:** *(Off Mic)* We don't have anybody for Head Investment.

**Councilman Adams:** Table it.

**President Friend:** Nobody is here to represent them. Should we go forward with it?

**Councilman Adams:** They got to come here.

**Councilman O'Daniel:** I'd move to table that until the next meeting.

**Councilman Adams:** I second.

**President Friend:** Okay, I had a motion by Councilman O'Daniel and seconded by Dr. Adams to table this motion until the next meeting. Ayes? Nays? Well it will be tabled and picked up in...

**Councilman McGinn:** Mr. President, the representative of Area Plan Commission...may I ask a question? May I ask a question Janet? Did anyone from Head Construction request that you assist them doing a Restrictive Covenant to not use C-4, Use Group 23, which are the adult bookstores, that type of thing? Was there a discussion?

**Janet Greenwell of APC:** There was no discussion. They did it voluntarily.

**Councilman McGinn:** Okay, that's what I want to ask. I didn't see it here. Is it here?

**Janet Greenwell of APC:** I do so many zonings I get 'em all confused.

**Councilman McGinn:** Okay, since it's next week if you'd just check because I was under the impression it...

**Janet Greenwell of APC:** I would say that they did to Commercial Site Review this morning and received approval of their office and warehouse. It's waiting...we cannot issue the permit until the property is rezoned so it will also be held.

**Councilman McGinn:** Okay, but...I mean the documentation that I have just shows a straight C-4. There is not a C-4 with a restriction to not put in Use Group 23.

**Janet Greenwell of APC:** There is no restriction then.

**Councilman O'Daniel:** Yeah, well...

**Councilman McGinn:** Well, okay. I guess they decided to change it...

**Janet Greenwell of APC:** The only thing I would say though is it would be able to do Use Group, if you're talking the adult uses.

**Councilman McGinn:** Yeah.

**Janet Greenwell of APC:** It wouldn't qualify because there's residential too close.

**Councilman McGinn:** In this area?

**Councilman O'Daniel:** There is?

**Janet Greenwell of APC:** There is one right next to it, yes. The house right next to it.

**President Friend:** Who's the individuals involved in this Head Investment.

**Janet Greenwell of APC:** Head Construction.

**President Friend:** Okay.

**Councilman Adams:** Guys, we need a representative here.

**President Friend:** Yeah they do.

**Councilman O'Daniel:** We've tabled it.

**President Friend:** Yeah, yeah. That's fine. Let's move on.

### **REGULAR AGENDA**

### **THIRD READING OF ZONING ORDINANCES**

#### **ORDINANCE R-2014-9**

#### **APC**

#### **R-1 to C-1**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 1500 Lincoln Avenue

Petitioner: Catholic Diocese of Evansville

**Krista Lockyear:** Good evening Mr. President, members of Council. For the record, Krista Lockyear. I'm here representing Memorial High School. I'm just going to pass out two photos, starting from both ends of the desk.

As you may recall, last summer this Council assisted Memorial High School with the vacation of some streets associated with a capital campaign that they had gone through. The result of that capital campaign allowed them to tear down multiple dilapidated and dangerous homes and to come up with construction plans for a soccer complex and walking pathways to and from the soccer field and a lot of parking spaces for the Memorial High School students.

This, hopefully, is the last time we have to come in front of this body for any approvals but as you're aware, an electronic messaging sign cannot go on anything other than a commercial development area so we have to rezone the small portion of area where this sign will actually fit.

The sign itself stands only seven foot high and eight foot wide in total. The message board itself will be only two foot, seven inches by five foot three inches high. It's a state-of-the-art sign and as you can see by that location, it's right up next to the high school so as the kids, when they're walking in from the parking lot, can see what's going on for the day or for the rest of the week. If you look at the larger map, you see one residence that's across the plaza. That is actually owned by the Catholic Diocese itself so

there's a pretty good buffer before any light could reach any of the residences. And this is a state-of-the-art sign. It was made available through the capital campaign by German American Bank. It's got a brightness setting as well as a dimmer on it so it'll make sure none of the light from that sign protrudes into any residential area.

So, happy to answer any questions or appreciate your approval.

**President Friend:** Yes.

**Councilwoman Mosby:** I would just like to make a comment. I have been contacted by the petitioner and I have received no remonstrators on this one. It's great for the area. They're doing a great job over there.

**President Friend:** Any other questions from other members?

**Councilman Adams:** It's a great project.

**President Friend:** Yeah, great project. Anybody in the audience like to say something for or against this?

With that I entertain a motion for R-2014-9

I had a motion made by Councilwoman Mosby and seconded by Councilman O'Daniel. Please call the roll on R-2014-9.

### **ROLL CALL**

**Aye:** McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

**President Friend:** Nine (9) Ayes and zero (0) Nays, it goes forth adopted.

Thank you so much.

**Krista Lockyear:** Thank you.

### **CONSENT AGENDA**

### **SECOND READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE G-2014-7 A.S.D. ADAMS, BRINKERHOFF-RILEY, MCGINN, MOSBY, FRIEND, ROBINSON & LINDSEY**  
An Ordinance Amending Chapter 9.20 of the Code of Ordinances

**ORDINANCE G-2014-8**

**PUBLIC WORKS**

**LINDSEY**

An Ordinance Amending Chapter 13.20 (Wastewater Discharge Regulations) of the Evansville Municipal Code

**RESOLUTION C-2014-14**

**FINANCE**

**O'DANIEL**

Resolution of the Common Council of the City of Evansville, Indiana, Approving an Ordinance of the Vanderburgh County Income Tax Council Establishing the Percentage Credit Allowed for Homesteads for 2015 and Casting the Votes of the Common Council of the City of Evansville on Said Ordinance

**COMMITTEE REPORTS:**

**A.S.D. COMMITTEE**

**CHAIRMAN ADAMS**

**Chairman Adams:** Mister President, your A.S.D. Committee met briefly this evening to hear the amendment of ***Ordinance G-2014-7*** and it comes forward with a do-pass recommendation.

**FINANCE COMMITTEE:**

**CHAIRMAN O'DANIEL**

**Chairman O'Daniel:** Yes Mister President, your Finance Committee met this evening to hear ***Resolution C-2014-14*** and it comes forward with a do-pass recommendation.

**PUBLIC WORKS COMMITTEE:**

**CHAIRMAN LINDSEY**

**Chairman Lindsey:** Mister President, your Public Works Committee met this evening to hear ***Ordinance G-2014-8*** and it comes forward with a do-pass recommendation.

**President Friend:** I need a motion to adopt the Committee Reports and move the Ordinances and Resolution to Third Reading?

**Councilwoman Robinson:** So moved.

**Councilman O'Daniel:** Second.

I had a motion by Councilwoman Robinson seconded by Councilman O'Daniel. Ayes? Nays? (*Unanimous Ayes*) Goes forth.

**REGULAR AGENDA**

**THIRD READING OF ORDINANCES AND RESOLUTIONS**

**ORDINANCE G-2014-7 A.S.D. ADAMS, BRINKERHOFF-RILEY, MCGINN, MOSBY, FRIEND, ROBINSON & LINDSEY**

An Ordinance Amending Chapter 9.20 of the Code of Ordinances

**President Friend:** Is there a motion to adopt Ordinance G-2014-7?

**Councilman Adams:** So moved.

**Councilwoman Robinson:** Second.

**Council Attorney Danks:** Mr. President, may I be...

**President Friend:** Yes.

**Council Attorney Danks:** May I address...

**President Friend:** Yes.

**Council Attorney Danks:** Councilmembers, if I may, I was under the impression in reading our ordinances that because this ordinance amends an existing ordinance that it would require a 2/3 vote to pass. I think that that's going to be challenged and I was just given some...the Indiana State statute. In my opinion, it doesn't answer the question but before you vote on this I would like for you to be aware that it may just require a majority if this makes any difference in your voting. If that's the case it would take five to pass it. If it takes 2/3 it takes six to pass it. This issue just came up and I've been trying to research it. I don't know the answer. I think it requires 2/3 but I could be wrong. Just wanted you to be aware of that. I'll have an answer by first thing in the morning but I would ask that you go ahead and proceed with your vote.

**President Friend:** Okay to move, I had a motion made by Councilwoman Mosby...no?

**City Clerk Windhorst:** Adams made the motion and Robinson...

**President Friend:** Okay, Dr. Adams made the motion and it was seconded by Councilwoman Robinson. Okay, let's call the roll G-2014-7.

***Comments made by Councilmembers prior to casting their respective votes.***

**Councilman McGinn:** I have a...I'd like to say a few things and I'll try to be brief; I know it's been a long night but I want to reiterate that this ordinance does not create any new criminal wrongs. Everything that is in this ordinance, my gosh folks, it's already against the law. You understand that? It's already against the law. Police have no additional powers. The constitution is still there. They're going to continue to do exactly what they're doing but the benefit, if we pass this, is the people that constantly violate the law, we're going to make the landlords evict them. Right now, we can't do that. I mean you hear 1,400 visits to one house, seven times in one night, and they can't do anything. The people are still there. You know...and I hear this...I hear people talking and my heart is with you when you say, "Gee, that's just really not fair to poor people". Folks, we are not talking about poor people. We're talking about criminals. We're talking about people who break the law. And you know, what are they going to do? Frankly, I don't

care. I don't care where they go. You know who I am concerned about? I'm concerned about the mothers and the fathers and the working guys and the working gals and their kids who live in that neighborhood who have no course of action other than the police and us. We're the only people who are watching out for them.

Now the landlords come in here and say, "By God, I don't need this because I evict anyhow". Great, we love it. This ordinance...don't even read it. If you evict people when they evidence bad behavior and they constantly break the law, you don't need this ordinance. Don't even get a copy of it. Don't hire anybody. Don't keep records. Just keep doing what you're doing. I applaud you and I encourage you. But that very small majority, and you heard...was it Os or was it Jeff or Officer Corbin said that they thought going back through the records, and I asked them this a month ago, I said...or three weeks ago, "How many people are we really taking about?", and he said, "This would have applied to six or seven houses, six or seven apartments", which probably would have made hundreds of made hundreds of local moms and dads, and kids, and neighbors have the right to their constitutional protected right of life, liberty and the pursuit of happiness.

You know, we are the last vestige of law and order, us and the police, to prevent bad people from ruining the lives of the good people who pay our taxes, who obey our laws, and who we are sworn to protect.

*(Applause)*

So I encourage you to vote for this. It's not a bad thing. I vote aye.

**Councilwoman Brinkerhoff-Riley:** And I'll be, I'll try and be briefer than you, but I really agree with what Councilman McGinn has said and would just point out that the Ohio Valley Real Estate Management Association, when they claim 8,000, the new organization claiming 8,000 units, they've stolen, I mean those are people that used to be part of the Apartment Association of Southern Indiana but because of the state-driven policies that don't serve what we need right here on the local level, those people have stepped up to support this ordinance. In addition, the neighborhoods...you know when I look at the Third Ward, I've got areas that the houses are very, very close together and 70% of the people are renters.

This ordinance is fairer than the current ordinance. The current Drug House Ordinance, which has been in place for nine years, requires nothing more than reasonable suspicion to trigger an eviction. It can trigger that eviction for a misdemeanor. There are no caps on the fines that a landlord could place. All of that is different under the Good Neighbor Ordinance. It does create a wider category but it raises the standard, the burden of EPD must meet to trigger it. A misdemeanor is no longer enough. There are

caps on fines. But when you look at the last nine years of what...where the police could have been manipulating the use of an ordinance with only a reasonable suspicion standard, there's no outcry of complaint. Not in nine years have we had people appear to complain about the use of the current ordinance so...

And I think one of the things that we've all agreed here today is that there are serious quality of life issues in quite a few neighborhoods so therefore it's obvious that not all landlords do indeed police the behavior of their tenants so while this...there's no desire to increase evictions. We're never going to stop crimes of passion or crimes of addiction but there's a category called *Everything Else*, and those are the things that we can modify behavior, the petty crimes that aren't driven by passion or addiction. Those can be stopped; we can modify that behavior at low-income people...ah...deserve peace and quiet and a neighborhood that's safe too.

I think to do nothing is unacceptable so we just ask that we try something. We can monitor its use. We can...we are the legislative body; we can amend it. We can pull the plug if it doesn't work. We committed a long time ago. When we started six months ago, we committed to come back. We committed to not only watch its use but to come back and review it after 12 months and I...and so I think it's something, which is far better than doing nothing and I vote yes.

**Councilwoman Robinson:** Oh well I care about poor people so I guess I'll vote yes. I guess I'm the only one to care about poor people. I can about mentally disabled people. I care about low-rental people. I just care so I say yes.

*(Applause)*

**Multiple Speakers:** *(Inaudible)*

**Councilwoman Robinson:** No, I got so emotional.

**Multiple Speakers:** *(Inaudible)*

**Councilwoman Robinson:** I'm sorry. No, no, no, no, no. I cast the wrong vote cause I got too emotional. My vote is no!

*(Applause)*

**President Friend:** That was a hanging chad, wasn't it?

**Councilman Lindsey:** Yeah, okay well I've got a few, a few thoughts on this if I could get those out. I know everyone thinks that every ordinance we're going to save the world and this is another world-saving ordinance and I'm all for that cause I want to

save the world myself. But you know there's a...I have thoughts on these things too, I just don't speak as much as a lot of my colleagues do.

But I want you to think about this, than anytime you leave your house, anytime you leave your apartment that you're renting, make sure that you, when you go on vacation, make sure you take those teenage kids with you and take those young adults because you know what they like to do when you're gone. They like to make a lot of noise, like to have their friends over. When you come back, you may be moving. Think about that. You know, just think about this in normal terms. You know, like normal people, you know.

I know the police always need these tools. They got to have all these tools and I can tell you personally that I know for a fact that I've had a friend who was abused by the We Tip and the Drug House Ordinance who did nothing wrong. It was a simple thing of his girlfriend's ex-boyfriend calling in the We Tip, which is anonymous. Next thing you know, they come in, find no drugs. But guess what? He doesn't live there anymore.

So there's a...there's just a...showing you these, all these, ordinances can be abused and these are subjective ordinances. They can say what they want. I mean I'm for the police 100%; I love 'em. I wouldn't want to be one. I'd rather run into a burning house than be a police officer. That was my choice, but you know this doesn't just affect criminals. It makes you into criminals, you know, it makes everybody a criminal.

You know, if you do something wrong, you have a bad day, do something your neighbor doesn't like, you're a nuisance to him. You're a nuisance so all he's got to do is make a call. Now then you've got to prove that you're not a nuisance. Now how you going to do that? You know, it's your word against him, okay, or her. Also you got the possibility of neighbor against neighbor. Think about that one. I live in apartments, I rent. I've got a couple neighbors that don't like each other. They knock...as silly and as childish as this is, they will knock...the one guy when he's going to his upstairs apartment will knock on the bottom apartment, run up the stairs and go into his apartment. These are grown men, adult men. But you what they...could happen there? The guy on the bottom apartment, that's one phone call away cause he's been a nuisance to him.

Now these are just silly things that you and I might laugh about and think it's nothing. You know, you can dictate human nature, morality. You know you're talking about a small group of people that are causing problems and they're going to cause problems and they are going to cause problems their whole life, you know, but you know, since I been on this Council, I a....you know, I hate these kind of votes because half the people are going to be mad at you, the other half are going to be happy, but I mean I just

can't...I can't vote for things like this. I don't see this. I see pages and pages of all these terrible things, you know, the noise and the grass and all.

You know, I just don't get all this. You know I think the people that rent have rights just like everyone else and, you know, I don't like bad people. I don't want bad people in my neighborhood and I know good and well that these landlords work hard to keep these people out. But you know what? And all they do is...you can say what you want to, then they go live with their sister who's renting already and they don't know they're there. You know, I don't...they don't live in those houses. They rent 'em, okay. Then they go live with mother or they...whatever. I mean it's just that these people know more about the laws and the rules than all the attorneys and all the educated people in this room and they can play anybody and they can play any ordinance, and they will. This ordinance is just another...just another little scheme, little scam that they're going to work.

And the police work hard and they deserve all the help they can get but this is a very subjective ordinance. You may not think it is but a lot of this is determined by what the police think is important and what isn't important and what's harassment and what's being a good neighbor.

And then you got your abatements. You know you have to deal with...the police have to deal with those. Now it's up to the police officer to decide if you're going to pay this fine, if you're not going to pay this fine. I'll give you a good example that my good friend John Friend told me. Say you're out of town. I'm just going to go through this really quick. You're out of town. Your mother's sick. You're gone for six weeks, okay. You've got a good tenant; you've never had a bit of a problem with him, never had a problem with him. All of a sudden he loses his mind for whatever reason. He may be going through divorce, whatever happens. You know how people are; they're people. Well you don't get the 72 hour notice because you have been out of town and you've had your neighbors put your mail on your table. You don't get the next notice. So when you come back you're looking at a \$3,000 fine. Now who you going to take that to? You going to take it to the police officer that's handled this complaint and you're going to go the abatement and he says, "Hey, pay your \$3,000". So there you are; you're done. It's over. There's your appeal process.

I just think that we just overregulate and since I been on this Council, I really...I didn't know landlords were so bad, I mean I really didn't. I thought they were pretty good people but evidently this town is full of a lot of bad ones because every time I look at an ordinance, we're going after 'em.

So anyway, with that being said, my vote is no.

*(Applause)*

**Councilman Adams:** It's been a long night. I only control one vote, that's mine.

Everybody in this room knows there is a seed of need for something to be done in this town about what we're talking about. There is definitely a seed of need.

When I was a resident in Philadelphia, west Philadelphia, for three years I had a pathologic Irish guy renting next to me and my short bit of time that I could get home to take a sleep, this guy made my life miserable for three years.

The essence of this whole thing is we have two obligations here. That is to make apartment living safe for the people around these people. These people are pathologic people, number one. Number two, we have to make our police more efficient. You can't be sending these people over and over and over and over again.

I don't know what the vote's going to be. It may be five to six; it may be whatever it is. We may not find out tomorrow whatever it's going to be. The bottom line is whether we pass it or not tonight, we still have the problem. We need to address the problem.

I vote yes.

**Councilman O'Daniel:** I guess first, you know, I'm always a fence-sitter; I see both sides of it and maybe it's just the legal side of this. But I want to thank everybody that came out because everybody was very engaged on this issue and whatever side, it's good to see everybody enthusiastic about an issue and coming out and voicing their opinion so I do want to thank everybody who did this and all the hard work on both sides. I don't view this as just a market forces versus Big Brother thing. This is about responsibility, not just to yourself but to the community, and landlords sometimes...I mean we've heard a lot of good thing about landlords but there are some that don't act as good community businesses, cause that's really what they are, and when they don't act as good business then we need to step in and do something to protect those people who are just trying to go about their lives and not have to hear bad neighbors next door or see the grass, you know, a foot and a half tall, or you know, have the meth-house in and out and everything else. I mean, they've got just as much rights.

You know, to Al's point, you know if you're gone, that's why we have phone numbers on the landlord registry. That's why we're trying to make that as a tool that police officers can also use so I don't think that you're, you know, unless you're out of the country on a world cruise for two months, you know, they're going to be able to get ahold of you if something is wrong. That's why we have that registry.

I think this is...this isn't red tape. It's not Big Brother. This is just common sense legislation, right in the middle, that'll...that basically codifies what landlords, what good landlords, already do and that is act on the behalf of most of their tenants and get rid of the bad ones.

You know, right now you know they...most of 'em, 95% of 'em are probably because of failure to pay but there are those commit drug crimes or crimes of violence and this insures that they're going to do the same; get rid of them to protect everybody who lives in that sort of density of housing.

I think we have an obligation to the community and not just to the landlords. There is an opportunity to abate the action over time. I just choose not believe that this is going to be abused by the police or by the public in filing just false charges or unbaseless charges.

There's an appeals process in a way and ultimately judges get to make the final determination and to whether or not it's justifiable. So you know I think this is an ordinance that doesn't go too far on the penalty side, which is a big concern of mine. You know I do believe in second chances. This gives an opportunity to abate on those lesser issues. It gives neighborhoods and opportunity to lift themselves up, get rid of the bad actors and replace 'em with good ones, and sometimes even cure bad behavior because very rarely do people like to be told twice, or three times, that they're not acting well, whether it be by their mother, their teacher, a police officer, or otherwise, and so I choose to believe that people have a lot of good in 'em and that they will act accordingly if it's addressed meaningfully, and I think this gives the opportunity for police officers and landlords to do just that and so with that, I vote aye.

**President Friend:** I too...obviously this should be really called the Good Neighborhood Ordinance, not so much Good Neighbor. What I'm trying to struck on here with is kind of a two...two class system. One's got homeowners and you got those people and they have the other ones, the renters. I would really would like to see a comprehensiveness of the Good Neighborhood Ordinance whereby there's more teeth and those people who own their homes that are...they let their grass grow high, they leave cars out in their yard. I see it all the time. I drive through this town; I see it and think we're carving out one section, one segment of our population but the other ones are given kind of a little bit of a bye.

I believe that this ordinance probably should have been more tweaked to include a comprehensive...a fullness of it all. But with that I'm still struggling with that. With that I can't go along with that; I'm going to vote nay.

### **ROLL CALL**

**Aye:** McGinn, Mosby, Brinkerhoff-Riley, Adams, O'Daniel

**Nays:** Robinson, Lindsey, Weaver, Friend

**President Friend:** With that, we have five (5) Ayes and four (4) Nays and if you're right, it passes anyway I guess.

**Councilman O'Daniel:** *(Off Mic)* It may pass and it may not.

**President Friend:** We don't know.

**Council Attorney Danks:** It may or it may not. If it requires a 2/3 vote, it doesn't. If it does, it passes and I'll have an answer for you first thing in the morning.

**Councilman O'Daniel:** *(Off Mic) (Inaudible)*...just show 5-4.

**President Friend:** Oh yeah. Well I have five ayes and four nays and with that we're...wait until the a.m. and find out what that's about.

### **REGULAR AGENDA**

#### **THIRD READING OF ORDINANCES AND RESOLUTIONS**

##### **ORDINANCE G-2014-8**

##### **PUBLIC WORKS**

##### **LINDSEY**

An Ordinance Amending Chapter 13.20 (Wastewater Discharge Regulations) of the Evansville Municipal Code

**Councilman O'Daniel:** Motion to adopt 2014-8 and move to vote.

**President Friend:** Oh we got...let's see we got...I'm sorry, I was kind of daydreaming. Motion to adopt Ordinance G-2014-8.

**Councilman O'Daniel:** So moved.

**President Friend:** I had a motion by Councilman O'Daniel and seconded by Council Lady Brinkerhoff-Riley. Please call the roll on G-2014-8

### **ROLL CALL**

**Aye:** McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

**President Friend:** With nine (9) Ayes and zero (0) Nays, it goes forth as adopted.

## **REGULAR AGENDA**

### **THIRD READING OF ORDINANCES AND RESOLUTIONS**

#### **RESOLUTION C-2014-14**

#### **FINANCE**

#### **O'DANIEL**

Resolution of the Common Council of the City of Evansville, Indiana, Approving an Ordinance of the Vanderburgh County Income Tax Council Establishing the Percentage Credit Allowed for Homesteads for 2015 and Casting the Votes of the Common Council of the City of Evansville on Said Ordinance

**President Friend:** Is there a motion to adopt Resolution C-2014-14?

I had a motion by Councilwoman Brinkerhoff-Riley and seconded by Councilwoman Mosby. Will you please call the roll on C-2014-14.

***Comment made by Councilman O'Daniel prior to casting his votes:***

**Councilman O'Daniel:** Would anybody dare vote against this? Just asking. Aye.

*(Laughter)*

**Councilman Adams:** Go ahead.

**Councilman Lindsey:** Go ahead, yeah.

#### **ROLL CALL**

**Aye:** McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

**President Friend:** With nine (9) Ayes and zero (0) Nays, that goes forth.

#### **MISCELLANEOUS BUSINESS**

There will not be a City Council meeting on Monday, June 16, 2014. The next City Council meeting will be Monday, June 23, 2014 at 5:30 p.m. in Room 301 of the Civic Center. Committee Meetings will begin at 5:10 p.m.

Now we got to move into a...we got some board appointments we got to deal with. I've had two resumés given to me. One is Aretha Sebree Graves, is that her name?

**Councilwoman Robinson:** Yes it is.

**President Friend:** Yes, yes. Can you give us...you passed out a resumé.

**Councilwoman Robinson:** Yeah, I passed out her resumé. She's a lifelong resident of the City of Evansville. She has a Bachelor's Degree from the University of Southern

Indiana in Psychology. She's the Youth Director for Memorial Baptist Church, active in the community and wants to serve on a board.

**President Friend:** Okay, we have a second applicant. That would be Eric Williams and Missy, go ahead.

**Councilwoman Mosby:** Yes, Eric Williams, our past Sheriff here for the last eight years graduated from Castle High School, graduated from the University of Southern Indiana with a B.S. in Business, graduated from Indiana Law Enforcement in 1989, graduated from National Sheriff's Institute in 2007, various law-enforcement related classes and seminars. He is currently employed by Old National Bank as the Sr. Vice President, Director of Security. He was the Sheriff from 2007 until 2014 and he was also at the Vanderburgh County Sheriff's Office from 1988 to 2014. He serves on several boards: Youth Resources, Albion, a member of the University of Southern Indiana. Really, you know, Eric does know Evansville, knows the county, knows the works and stuff of our Civic Center and our Building Authority and I would like to recommend Eric.

**Councilwoman Robinson:** And I did not read Aretha's full resumé cause I assumed that you all can read and I gave it to you in time and so if you need me to tell you what boards she serves on if you didn't read it. She's a board member of the Evansville African-American Museum, the Mayor's Commission of Social Status on African American Males, key speaker at the Ultimate Empowerment Conference. She was over a citywide youth conference this past weekend with over 300 young people in attendance and I think we just need to get young people involved. With all due respect, I know Eric and I think he's a great person but we need to get young people involved on these boards.

**President Friend:** Do we...do we have any other...yes, Doctor.

**Councilman Adams:** Tell me what the Building Authority does. Pardon my ignorance. I know it's late but maybe you could...

**President Friend:** Well, the way my understanding of the Building Authority, this is a Board of Trustees I believe...

**Councilwoman Robinson:** Trustees. They're responsible for the Civic Center. They're responsible for all the parking lots, the Ford Center, they sign off on everything, all the financial documents for the Building Authority.

**Councilman Adams:** Thank you.

**Councilwoman Brinkerhoff-Riley:** *(Off Mic)* I thought the Trustees just appointed the Director.

**Multiple Speakers:** *(Inaudible)*

**Councilwoman Robinson:** No, no. They what?

**Council Attorney Danks:** *(Off Mic)* They oversee seven...I think seventeen facilities.

**Councilwoman Robinson:** They oversee seventeen facilities.

**President Friend:** Yes.

**Councilman Adams:** Got it. Thank you.

**President Friend:** Do we have any other...anybody else have anybody else...have somebody in mind? With that, I guess we'll close those. I guess have to see who...I guess just take a voice vote on each one of them.

**Councilwoman Robinson:** I think we should have a roll call.

**President Friend:** Oh yes, yes. I agree. One at a time. Let's do Aretha Sebree.

***Comments made by Councilmembers prior to casting their respective votes:***

**Councilman McGinn:** I don't know her; she's probably a fine lady. I know the other candidate so I'm going to vote no. I mean it's nothing personal but I vote no on her.

**Councilwoman Brinkerhoff-Riley:** I'm going to vote yes and only because I really think that when we appoint a City Council to different bodies that we should...that we should appoint our residents, you know, City residents where we can so I'll vote yes.

**Councilman O'Daniel:** *(Off Mic)* You know I think Connie made a good point that you know, I mean obviously Sheriff Williams or former Sheriff Williams has served out County very well but I do like to see some new blood too and I don't know what his new job to do. I'm sure he can juggle that but I know you had indicated before Sheriff Williams name came up that Ms. Graves was interested in it. I think I'd like to see a little new blood in this. I vote yes.

**Councilman Weaver:** I just want to point out; it looks like they graduated high school the same year so I don't...this...

**Councilwoman Robinson:** Looked like what *(Inaudible)?*

**Councilman Weaver:** You mentioned younger blood so I'm just looking at the resumé.

**Councilwoman Robinson:** Well okay, well maybe I want to say not only someone that's has not been involved in a...

**Councilman O'Daniel:** *(Off Mic)* Fresh face.

**Councilwoman Robinson:**...served on boards.

**Councilman O'Daniel:** *(Off Mic)* Fresh face.

**Councilwoman Robinson:** Yeah, a fresh face. That's it. Thank you, a fresh face.

**Councilman Weaver:** This is nothing personal but I'm going to say no.

**Councilwoman Robinson:** I don't take anything personal.

**President Friend:** Well first of all, I think both of these candidates are well qualified. And think we all know Eric and he's done a fine job as the Sheriff of Vanderburgh County; I think second to none. You know maybe Brad Ellsworth like take second...I maybe comment about that but anyway, I kind of go along with what Connie was saying with somebody...new faces on there. I think Eric is on some boards and he...I know he would make a great guy as well but I'll go with Aretha.

#### **ROLL CALL**

**Aye:** Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Friend

**Nays:** McGinn, Mosby, Weaver

**Councilman McGinn:** And young is a relative term.

*(Laughter)*

**President Friend:** Well and we you get my age, everybody's young.

Okay, now the next on the Commissions on Social Status of African American Males. we have a...we don't have any put their names in for that. Do we have...

**Councilwoman Robinson:** Well one thing about that commission is they don't have any money to do anything. You know, we have never funded them. They need money to opt to...I know Councilman O'Daniel was in there but there is issues that they would

like to get into. I think we all received a copy of the video that was sent to City Council. Those are things that they'd like to investigate but it takes money and we've never put any money in their budget.

**Councilman Weaver:** I see Alex Burton in the audience. Would he be a good nominee?

**Councilwoman Robinson:** He's...Alex Burton is now a co-chairman of the Human Relations Commission so he doesn't want to spread himself too thin. We...there's other people that are interested and you don't have to be a African American male to be involved with...to be concerned about the status of African American males.

**President Friend:** Well maybe Reverend Brooks would like to join.

*(Laughter)*

**Unidentified Speaker:** Look at him. He's out of here.

**Reverend Adrian Brooks:** *(Off Mic)* Ya'll have a good night. *(Inaudible)*

**President Friend:** Well I guess we just need to hold this one for another day. Let's do that. Let's move on.

Okay, I guess we already voted for...now let's go to Committee Reports.

**COMMITTEE REPORTS:**

**A.S.D. COMMITTEE:**

Re: **Ordinance G-2014-10**

Date: June 23, 2014

Time: 5:20 pm

Notify: Scott Danks

**CHAIRMAN ADAMS**

Amending Chapter 10.05 General Provisions of the Evansville Municipal Code (Bicycle Licensing Fee)

Re: **Ordinance G-2014-9**

Date: June 23, 2014

Time: 5:25 pm

Notify: Scott Danks

Amending Chapter 10.50 Skateboards and Roller Skates of the Evansville Municipal Code

**FINANCE COMMITTEE:**

Re: **Ordinance F-2014-7**

Date: June 23, 2014

**CHAIRMAN O'DANIEL**

Authorizing Transfers of Appropriations, Additional Appropriations and Repeal

Time: 5:10 pm  
Notify: Russ Lloyd, Jr.

and Re-Appropriation of Funds for  
Various City Funds

Re: **Ordinance F-2014-8**  
Date: June 23, 2014  
Time: 5:15 pm  
Notify: Kelley Coures

Authorizing Repeal of Appropriations of  
within a City Department (DMD) Funds

**PUBLIC WORKS COMMITTEE:**  
Nothing scheduled at this time.

**CHAIRMAN LINDSEY**

**President Friend:** Okay, I got to back up. I got kind of ahead of myself. I need a motion to accept the City Council appointments I guess. We need a motion for that. I got ahead of myself.

**Councilman Adams:** So moved.

**President Friend:** Dr. Adams made the motion. Seconded by Counc...who?

Unidentified Speaker: *(Off Mic) (Inaudible)*

**President Friend:** Coner? Coner made it? Okay, it was a second. Okay, ayes? *(Inaudible)*...can I...no any nos. That's...

EVANSVILLE - VANDERBURGH COUNTY BUILDING AUTHORITY TRUSTEES

1) FILLED

4 year term 06/01/2014 - 05/31/2018

Name of appointee: Aretha Sebree Graves

**ADJOURNMENT**

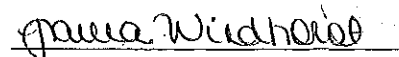
**President Friend:** Okay, now I need a motion adjournment.


**Councilman O'Daniel:** So moved.

**President Friend:** Seconded by Councilwoman Robinson...first...and a motion by second...and seconded by Councilman O'Daniel.

It is...we're out of here.

Meeting adjourned at 9:08 p.m.

  
\_\_\_\_\_  
Laura Windhorst, City Clerk

  
\_\_\_\_\_  
John Friend, President